

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
***Tuesday, February 16, 2021***

Mayor Schmidt called the meeting to order at 7:00PM.

Council Members Present: Will Dujardin, Chris Haver, Laura Mitchell, and Jason MacMillan

Staff Present: Town Manager Dara MacDonald, Town Clerk Lynelle Stanford, and Town Attorney John Sullivan

Community Development Director Troy Russ, Public Works Director Shea Earley, Parks, Recreation, Trails and Open Space Director Janna Hansen, and Finance Director Rob Zillioux (for part of the meeting)

Everyone connected and participated in the meeting via Zoom. Schmidt and MacDonald were present in Council Chambers.

Schmidt mentioned the topics covered during the preceding work session, which were a broadband update and extra-territorial utility service requests.

**APPROVAL OF AGENDA**

Haver moved and Dujardin seconded a motion to approve the agenda as submitted. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

**1) February 1, 2021 Regular Town Council Meeting Minutes.**

***Staff Contact: Town Clerk Lynelle Stanford***

**2) Resolution No. 2, Series 2021 - A Resolution of the Crested Butte Town Council Authorizing the Town Manager to Sign a Service Agreement with the Colorado State Forest Service Gunnison Field Office for Community Forestry Assistance.**

***Staff Contact: Parks, Recreation, Trails, and Open Space Director Janna Hansen***

**3) Resolution No. 3, Series 2021 - A Resolution of the Crested Butte Town Council Authorizing the Town of Crested Butte to Apply for a State of Colorado, Department of Local Affairs Energy and Mineral Impact Program Grant for the Funding for Design of the Town's Wastewater Treatment Plant Improvements.**

***Staff Contact: Public Works Director Shea Earley***

**4) Request to Extend Water Service to 367 Journey's End Road (Lot 5, Trapper's Crossing South).**

***Staff Contact: Public Works Director Shea Earley***

**5) Consideration of Letter to Senators Bennet and Hickenlooper Regarding US Postal Service.**

***Staff Contact: Town Manager Dara MacDonald***

Schmidt outlined the items included on the Consent Agenda. He pointed out the Board of County Commissioners agreed to the letter regarding the Postal Service, and Mt. Crested Butte would be considering the letter tonight.

Haver moved and Mitchell seconded a motion to approve the Consent Agenda as submitted. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**PUBLIC COMMENT**

Kent Cowherd - 901 Teocalli Avenue

- He respectfully asked the Council to request that the host of the meeting open up capabilities in Zoom.
  - Crested Butte meetings were the most restrictive.
  - He could not show his face or see any other participants. There was no situational awareness for being able to see people.
  - He identified how other entities ran their meetings.
  - He asked for re-evaluation regarding how Zoom capabilities could be opened to the public for public meetings.
  - MacDonald stated the topic could be discussed under Other Business.

**STAFF UPDATES**

- Schmidt referred to the Manger's Report.
- He pointed out the new email address people could use to collectively email the Council.
- Schmidt asked whether MacDonald had any updates on the person who owned the Post Office building. MacDonald explained lease terms and details on the location.
- Schmidt confirmed the hiring of the new Engineer-Project Manager, Carolyn de Groot. He wondered if she was connected to the meeting.
- Schmidt questioned whether there were any problems with the Alley Loop. MacDonald stated there would be a debrief meeting.
- Schmidt asked about the new alert system for Council agendas and packets and whether it was part of the existing system.

**LEGAL MATTERS**

Sullivan informed the Council, that since the last meeting when he had apprised of the ongoing matter regarding 113 Sopris, the Town notified CIRSA to put the issue on their radar. Secondly, they notified the attorneys on the case that they could speak with Town

employees as witnesses through formal depositions in the case. Sullivan had not heard back from the attorneys. Schmidt asked why the case was a Federal case, and Sullivan explained the reasons.

### **NEW BUSINESS**

**1) Ordinance No. 1, Series 2021 - An Ordinance of the Crested Butte Town Council Authorizing the Town to Enter Into a Lease Agreement with Region 10 League for Economic Assistance and Planning, Inc., for the Crested Butte Carrier Neutral Location on Town Owned Property Located at 508 Maroon Ave., Crested Butte, Colorado.**

***Staff Contact: Town Manager Dara MacDonald***

Schmidt read the title of the ordinance. MacDonald reviewed background on the project. Now that funding had been secured for building the middle mile, they wanted to take advantage of a DOLA grant that was set to expire. She stated that BOZAR approval would be required before the exterior work commenced. Schmidt identified the primary purpose was to provide a secondary Internet supplier to the community with the hope of reducing the rates for Internet service, or offering better service for the same rate. Secondly, the project would provide redundancy.

Schmidt recognized there was a tower involved with the project. MacMillan wondered whether there was flexibility with the design of the tower. Virgil Turner, from Region 10, affirmed there were things they could do to improve the aesthetics, but they needed to be able to climb the tower. Mitchell expressed concerned with the 40-foot height in the neighborhood.

Dujardin moved and Haver seconded a motion to set Ordinance No. 1, Series 2021 for public hearing at the March 1<sup>st</sup> meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**2) Ordinance No. 2, Series 2021 - An Ordinance of the Crested Butte Town Council Approving the Lease of 308 3<sup>rd</sup> Street Unit K (a Town owned property) to Artists of Crested Butte, a Colorado Non-profit Organization.**

***Staff Contact: Finance Director Rob Zillioux***

Schmidt affirmed there was a lottery to determine the lessee of the unit. The initial winner pulled out, and there was a secondary lottery. The Artists of CB won the second lottery. There were no comments from the public.

Mitchell moved and Dujardin seconded a motion to schedule Ordinance No. 2, Series 2021 for public hearing during the March 1<sup>st</sup>, 2021 Council meeting.

Schmidt read the title of the ordinance.

A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**3) Ordinance No. 3, Series 2021 - An Ordinance of the Crested Butte Town Council Approving the Academy Place Planned Unit Development (PUD) and Development Agreement and Amending the Crested Butte's Official Zone District Map for Block 36, Tract 2, Academy Place Subdivision to Create the Academy Place PUD Overlay Zone.**

***Staff Contact: Community Development Director Troy Russ***

Schmidt read the title of the ordinance. Russ provided an overview of the application. He acknowledged Gary Hartman was on Zoom. Russ identified the location of the project. He said it was currently zoned in the Tourist Zone District. PUDs applied only to commercial parcels. Russ outlined the requests made by the applicant. Russ reviewed the land use evaluation. He explained the applicant was allowed to ask for waivers in exchange for public benefits. Russ acknowledged the applicant was not subdividing the parcel.

Staff felt the size was within the allowance of the PUD. The applicant was asking to include 28 parking spaces, rather than the 29 required. Russ showed a slide with the site plan, which he summarized. Russ pointed out the ROAH unit and the deed restricted owner occupied unit. Russ said they wanted to preserve the mature trees, which he guessed was the reason they were asking for the parking waiver. Mitchell questioned parking, which Russ outlined. The discussion became focused on parking. Schmidt questioned how the property between the one addressed in this application and 6<sup>th</sup> Street would be used. Russ confirmed the lease with the Town for parking would be terminated.

Schmidt asked if there had been consideration regarding which direction traffic would use the alley. Russ said it would still function as a two-way alley. Schmidt raised concerns. Russ proposed a traffic study. Schmidt wanted to know how the open space would work. Russ explained the biggest benefit would be the corner, and there would be passageways included. Staff considered keeping the trees as a public benefit. Schmidt brought up the concern of an absent Council member regarding parking related to The Center for the Arts. Haver asked about open space requirements versus public open space requirements. MacMillan wondered if it felt natural to make a cut around and through to the bank. Russ agreed that it was not a direct, very convenient route.

Kent Cowherd

- He understood the short-term rental cap and asked whether this project was in a separate category. Russ explained this project would be a completely different land use with a similar name.

Russ defined short-term residential accommodation (STRA). The project would function like a 12-unit hotel in a cottage style. They added to the definition concerning limitations on owners' stays. Schmidt recalled that the term, STRA, came out of the Sixth Street Station negotiations.

Russ recognized the applicant was not maxing out and was conscientious of the neighborhood. Dujardin wanted to understand more about the process. He referred to Cowherd's point that the PUD would be outside of the short-term rental cap. Dujardin thought the project warranted a public discussion, and they should prepare the public for said hearing. Russ explained the vacation rental cap was limiting the use in residentially zoned districts; this proposal was not displacing residential units by going into a residential zone district. Mitchell identified the property was going back to the use it had been originally, and she was okay with it. Haver confirmed the applicant would be paying the commercial real estate tax. Bob Brotherton, architect for the applicant, was connected to the meeting. Dujardin asked whether they considered adding more affordable housing to make the project more palatable to the public. Brotherton said they could put one large building on the site, but they did not think that it fit. The amenities were a trade-off. Brotherton pointed out the park-like spaces and public access. Hartman agreed a large building diminished the quality of the neighborhood. They were providing a long-term rental and ROAH, which was more than what was required. Hartman expounded upon the idea for the park space.

Mitchell moved and Haver seconded a motion to set Ordinance No. 3, Series 2021, approving a PUD overlay zoning amendment for the Academy Place PUD, amending the Crested Butte's Official Zone District Map, and authorizes the Mayor to execute the Development Agreement with the five conditions presented in the staff report on first reading to a public hearing for March 1<sup>st</sup>, 2021.

Dujardin wanted to hear if they thought about another affordable unit or two, instead of the nature path. He felt the vibe around Town that this project was not in the best interest of the community. Hartman said to try to push for another unit would start to change the character of the project. Russ pointed out the applicant was going beyond what the Code required. Russ showed three points of PUD review criteria. Russ described the public meeting space that would be available. Hartman confirmed the meeting space would be around 350 square feet. Schmidt asked about plans for the adjacent lot. Hartman did not expect imminent development on the lot. Brotherton stated they did have a discussion with the Post Office, but they had not called him back recently.

A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**4) Resolution No. 4, Series 2021 - A Resolution of the Crested Butte Town Council Adopting a Policy of the Town Council Regarding Town Participation on Boards and Committees.**

***Staff Contact: Town Manager Dara MacDonald***

Schmidt read the title of the resolution. MacDonald reminded the Council of the work session held in January. The outcome of the work session was consideration of a policy around what boards and committees Council members would participate on and understanding any limitations on participation.

The list of boards and committees was grouped into four categories: Town Committees, Governmental Organizations, Non-Voting Attendees, and Community Non-Profits/Organizations. MacDonald reviewed each category, and she specifically focused on participation and voting roles.

MacDonald wanted to reaffirm that the Council no longer intended to participate in the Downtown Lodging Association. Secondly, she asked for clarification on whether the Council members wanted to continue serving or if they wanted to appoint staff members or community members to boards and committees such as the Valley Housing Fund, The Chamber, The Center for the Arts, TAPP, and the Water Conservancy District. Schmidt thought it valuable to have Council members serving on the committees, and it was particularly valuable to have a Council member on the Valley Housing Fund. Jim Starr, Chair of the Valley Housing Fund Board of Directors, expressed that it was important for a Council member to be appointed. It was acknowledged that Magner resigned from the board of the Valley Housing Fund. Haver suggested having a discussion with Magner and Merrill regarding The Chamber and The Center for the Arts. MacDonald confirmed Council members could participate as non-voting members and could participate fully in Council conversations and decisions. Haver recommended tabling The Chamber and The Center for the Arts.

Jim Starr

- It was incredibly helpful to have a Council member on their board.
- He could not recall not accepting a nominee from the public entities.
- Schmidt confirmed both the Gunnison and Mt. Crested Butte Councils had representatives on the board.

Sullivan identified the concern would be when the entity on which a Council member served was trying to seek a monetary reward or benefit from the Town, which was when recusal from voting would become necessary. Schmidt confirmed the Council member could update the Council on issues that could be coming from the board in the future. Schmidt also confirmed a Council member could vote on financial matters within the group, but then the Council member could not vote when the financial ask would come before the Council. The examples cited were focused on the Valley Housing Fund. Starr preferred to have a Council member on the board, even if the person could not vote when there was money being requested from the Town.

Haver moved and Mitchell seconded a motion to adopt the policy of the Town Council regarding Town participation on boards and committees. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

MacDonald confirmed the Council would make an appointment to the Valley Housing Fund at the next meeting.

**5) Gunnison County COVID Recovery Funding Request.**  
**Staff Contact: Town Manager Dara MacDonald**

MacDonald explained the Town received money through the County under the CARES Act, and there continued to be expenses incurred related to the pandemic. The County Commissioners decided they would like to share costs across the entities. The total project cost was around \$122,000, and they were asking for \$12,700 from the Town of Crested Butte. Schmidt affirmed the County did a great job of putting together a committee and addressing the pandemic. He stated the amount was a reasonable amount for the Town's share. Dujardin agreed it had been an amazing countywide effort.

Haver moved and Dujardin seconded a motion to fund \$12,700 to Gunnison County for COVID recovery. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **COUNCIL REPORTS AND COMMITTEE UPDATES**

Laura Mitchell

- She attended a RTA meeting. Truex asked for help in oversight with the new building, and Roland Mason stepped up.
- She reported on Presidents' Day from Mountain Express.
  - The Chamber reported about 5,000 skiers every day.
  - CBMR gave Mountain Express a heads up they would be busy.
  - There was a third bus on the mountain, which was a condo bus.

Jason MacMillan

- He was on a TAPP Board meeting. It was a celebration for the outgoing president, and they celebrated accomplishments.
- He had a tour of Mountain Express.

Will Dujardin

- There was a CC4CA meeting, and he caught up after the meeting.
  - They were reviewing the policy statement. The Council would be asked to approve the draft statement.
- The Black Lives Matter Community Coalition would be submitting a letter to the Council in order to review and build upon work done.
- He looked forward to the OVLC meeting tomorrow.

Chris Haver

- He went to a Housing Authority meeting where they discussed Garden Walk and figuring out messaging on what levels people would get.
  - They talked about the County's land at Pitchfork and Paradise Park and what could be built. They would be open to a multi-building build.
- He reported on RTA.
  - Winter marketing efforts would end at the beginning of March.
  - There was a Federal mandate to wear masks on airplanes and busses.
  - According to load factor, Gunnison was the highest performing ski airport.
  - They were moving toward an 18-trip schedule.
  - There were 28 trips during the winter.

Jim Schmidt

- He was on a Zoom Mayor/Mangers meeting.
  - The City of Gunnison presented on Gunnison Rising, a development that would go from Western and McDonald's east for ¾ of a mile. It was 600 acres. They had given land for a State Park and for BLM to put their office there. They were also negotiating with the Forest Service to put their office there. It was a mixed-use parcel, mostly residential. The project had been on the books for at least 14 years.
- MacDonald and he were on a meeting with Tim Baker.
  - The ski area numbers had flattened out over the season.
  - They were not sure how much they would open up this summer.
  - Haver asked for clarification on the term flattening out.

#### **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Schmidt brought up Cowherd's recommendation for applications for Zoom. Haver asked MacDonald to survey and for information from other entities to come up with a better plan of action for Town. MacDonald pointed out the last DRC meeting was hacked, and DRC meetings would be moving to the webinar format. She agreed that Staff would investigate options.

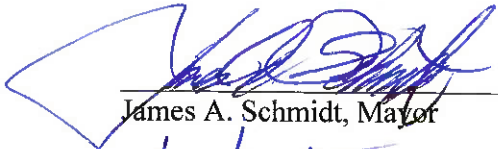
#### **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, March 1, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, March 15, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 5, 2021 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt stated the next regular meeting would be March 1<sup>st</sup>.

#### **ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 8:58PM.

  
James A. Schmidt, Mayor

  
Lynelle Stanford, Town Clerk

(SEAL)

